CALFRESH (CF) PROGRAM
REQUEST FOR POLICY/REGULATION INTERPRETATION

INSTRUCTIONS: Complete items 1 - 10 on the form. Use a separate form for each policy interpretation request. If additional space is needed, please use the second page. Be sure to identify the additional discussion with the appropriate number and heading. Retain a copy of the CF 24 for your records.

- Questions from counties, including county Quality Control, must be submitted by the county CalFresh Coordinator and may be submitted directly to the CalFresh Policy analyst assigned responsibility for the county, with a copy directed to the appropriate CalFresh Policy unit manager.

- Questions from Administrative Law Judges may be submitted directly to the CalFresh Policy analyst assigned responsibility to the county where the hearing took place, with a copy of the form directed to the appropriate CalFresh Bureau unit manager.

1. RESPONSE NEEDED DUE TO: ☑ Policy/Regulation Interpretation ☐ QC ☐ Fair Hearing ☐ Other:	**5. DATE OF REQUEST:** 08-20-12 **NEED RESPONSE BY:**
	6. COUNTY/ORGANIZATION: Fresno
2. REQUESTOR NAME:	**7. SUBJECT:** Recertification
3. PHONE NO.:	**8. REFERENCES:** *(Include ACL/ACIN, court cases, etc. in references)* **NOTE: All requests must have a regulation cite(s) and/or a reference(s).** 63-504.6 CFR 273.14
4. REGULATION CITE(S):	

9. QUESTION: (INCLUDE SCENARIO IF NEEDED FOR CLARITY):

The excerpt below is from CFR 273.14

(e) Delayed processing. (1) If an eligible household files an application before the end of the certification period but the recertification process cannot be completed within 30 days after the date of application because of State agency fault, the State agency must continue to process the case and provide a full month's allotment for the first month of the new certification period. The State agency shall determine cause for any delay in processing a recertification application in accordance with the provisions of §273.3(h)(1).
Continue on last page----

10. REQUESTOR'S PROPOSED ANSWER:

Answer 1:
No. The state manual did not include the information from the CFR as it should have.

Answer 2: The entire CFR is applicable to CA and there has been an inadvertent oversight.

Answer 3: It was an oversight. The application should be a recertification and not an initial application. The DFA 296 will be corrected as well as necessary.

11. STATE POLICY RESPONSE *(CFPB USE ONLY)*:

As was explained in ACL 11-70, applications for recertification are timely if they are turned in no later than the 15th day of the last month of the certification period. An errata will be issued for ACL 11-70 clarifying that this rule applies to all recertifications not just transitional CalFresh.

ACL 11-70 states:

When CWDs send the Notice of Expiration (NEC) the month prior to the last month of the benefit period, households must complete the recertification process, which includes: (1) filing an application no later than the 15th day of the last month of the "certification" period and complete an interview, and (2) submit any proof of income, expenses, or other information no later than 10 days of the date of the interview to receive uninterrupted benefits.

FOR CDSS USE	
DATE RECEIVED:	DATE RESPONDED TO COUNTY/ALJ:

CALFRESH (CF) PROGRAM
REQUEST FOR POLICY/REGULATION INTERPRETATION (Continued)

1. RESPONSE NEEDED DUE TO:	5. DATE OF REQUEST:	NEED RESPONSE BY:
☐ Policy/Regulation Interpretation		
☐ QC	6. COUNTY/ORGANIZATION:	
☐ Fair Hearing	7. SUBJECT:	
☐ Other:		

2. REQUESTOR NAME:	8. REFERENCES: *(Include ACL/ACIN, court cases, etc. in references)* **NOTE: All requests must have a regulation cite(s) and/or a reference(s).**
3. PHONE NO.:	
4. REGULATION CITE(S):	

Question Continued:

(2) If a household files an application before the end of the certification period, but fails to take a required action, the State agency may deny the case at that time, at the end of the certification period, or at the end of 30 days. Notwithstanding the State's right to issue a denial prior to the end of the certification period, the household has 30 days after the end of the certification period to complete the process and have its application be treated as an application for recertification. If the household takes the required action before the end of the certification period, the State agency must reopen the case and provide a full month's benefits for the initial month of the new certification period. If the household takes the required action after the end of the certification period but within 30 days after the end of the certification period, the State agency shall reopen the case and provide benefits retroactive to the date the household takes the required action. The State agency shall determine cause for any delay in processing a recertification application in accordance with the provisions of §273.3(h)(1).

(3) If a household files an application within 30 days after the end of the certification period, the application shall be considered an application for recertification; however, benefits must be prorated in accordance with §273.10(a). If a household's application for recertification is delayed beyond the first of the month of what would have been its new certification period through the fault of the State agency, the household's benefits for the new certification period shall be prorated based on the date of the new application, and the State agency shall provide restored benefits to the household back to the date the household's certification period should have begun had the State agency not erred and the household been able to apply timely.

I am particularly interested in the language found in (2) about using the same application. I believe the only time the language about using the filed application is in 63-300 for initial applications.

Question 1:
Are these rules the same as those in 63-504.6, but possibly scattered?

Question 2: Or is there some of the CRF which is not applicable to CA?

Question 3: In (3) of the CFR, the application would be considered a recertification, how come it is not in CA?